IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

COMPANY **APPLICATION No. 559 of 2006.**
IN

B.I.F.R. Case No. 164 of 1999.

Mardia Samyoung Capillary Tubes
Co. Ltd.

.. Applicant.

Mr. D. P. Desai,Advocate for the applicant.

Ms. K. V. Gautam, Dy. O.L. present.

NOT ON BOARD,UPON MENTIONING
TAKEN ON BOARD.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 16th June, 2006.

P.C.:-

. Heard Mr. Desai appearing for the applicant and the Official Liquidator who is present in the Court.

2] For the reasons set out in the affidavit in support of the Company Application delay of 158 days in taking out this application is condoned. It is also clear from the averments that the order regarding opinion of the B.I.F.R. passed on 17th September, 2004 is set aside by A.A.I.F.R. on 14th September, 2005 and the matter stands remanded to B.I.F.R. Mr. Desai informs me that the matter is still pending.

3] In these circumstances, there is no question of the opinion being now taken note of by this Court and further order passed in the light of the same. The mandate of Section 20 (1) to (4) of the Sick Industrial Companies (Special Provision) Act, 1985 need not be complied with.

4] Consequently, Company Application is allowed. It is made absolute in terms of prayer clause (a) and (b). However, Deputy Official Liquidator having incurred cost of advertisement, the applicant is directed to pay a sum of Rs.20,000/- to the Official Liquidator.

5] Costs condition precedent.

(S.C.DHARMADHIKARI,J.)